

**Notice of Allowability**

**Application No.**

09/839,949

**Examiner**

Channing S Mahatan

**Applicant(s)**

EXCOFFIER, JEAN-LOUIS

**Art Unit**

1631

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 05 April 2004.
2. ☒ The allowed claim(s) is/are 1-3,5,6,8,13-29,43-45,67-70,72 and 76-83.
3. ☒ The drawings filed on 02 April 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>17 June 2004</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                             |
|   | 9. <input type="checkbox"/> Other _____.   |

## DETAILED ACTION

### *APPLICANTS' ARGUMENTS*

Applicants' amendments and arguments in the response filed 05 April 2004 have been fully considered and are deemed to be persuasive.

### *EXAMINER'S AMENDMENT*

The following amendments were discussed with and approved by Applicants' Representative, Gerald Chan (Interview Summary on 17 June 2004). To expedite the prosecution of the instant application to allowance: 1) claim 76 is corrected to overcome dependency upon a cancelled claim; and 2) claims 84 and 85 are cancelled to avoid prior art previously applied prior art rejections.

Therefore, please cancel claims 84 and 85 and amend claims 19 and 76 as follows:

19. (Currently Amended) A system for comparing chromatograms, comprising:
  - a data storage device to store chromatogram data;
  - a communications interface adaptable to receive chromatogram data from the data storage device;
  - a data adjustment module to adjust the chromatogram data;
  - a reduction module to reduce the chromatogram data to a data set based at least on an average time for the chromatogram data in the region of interest by determining an integral of the chromatogram data and plotting against a time axis, determining a set of time points, and forming arrays of

data set values based upon the set time points and corresponding integral values for the set of time points; and

a comparison module to compare the reduced data set against other chromatogram data sets.

76. (Currently Amended) The medium of claim ~~75~~ 43, wherein the process further comprises:

mapping a result of the comparing.

*REASONS FOR ALLOWANCE*

The following is an Examiner's statement of reasons for allowance:

The filing of the amendments to claims have overcome all grounds of rejection in the office action, mailed 05 January 2004, and no other grounds for rejection are present. Therefore, claims 1-3, 5, 6, 8, 13-29, 43-45, 67-70, 72, and 76-83 are deemed allowable. No pending United States applications have been identified with claims directed to the same invention as claimed herein.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*EXAMINER INFORMATION*

Papers related to this application may be submitted to Technical Center 1600 by facsimile transmission. Papers should be faxed to Technical Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61

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(November 16, 1993), and 1157 OG 94 (December 28, 1993) (See 37 C.F.R. § 1.6(d)).

The CM1 Fax Center number is either (703) 872-9306.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Channing S. Mahatan whose telephone number is (571) 272-0717. The Examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Woodward, Ph.D., can be reached on (571) 272-0722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify Applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables Applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

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For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

Date: *June 24, 2004*

Examiner Initials: *CSV*

*Marianne P. Allen*

MARIANNE P. ALLEN  
PRIMARY EXAMINER

*6/25/04*

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